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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,132	04/25/2001	John P. McKearn	3167/12	8349

26648 7590 01/23/2003  
PHARMACIA CORPORATION  
GLOBAL PATENT DEPARTMENT  
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EXAMINER

GOLDBERG, JEROME D

ART UNIT PAPER NUMBER

1614

DATE MAILED: 01/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Application/Control Number: 09/843,132  
Art Unit: 1614

The reply filed on November 4, 2002 is not fully responsive to the prior art because of the following omission(s) or matter(s): Applicants failed to disclose a single enhanced combination of one DNA topoisomerase I inhibitor with one DNA topoisomerase II inhibitor (See Paper No. 4, page 2, lines 12-14). See 37 CFR 1.111. Since the mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH** from the mailing date of this notice, whichever is longer, to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

Any inquiry concerning this communication or earlier communication should be directed to Jerome Goldberg whose telephone number is 308-4606. The examiner can normally be reached on Monday to Thursday 9:00 AM to 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marianne Seidel can be reached on (703) 308-4725. The fax number for the organization where this application or proceeding is assigned is 308-4556 for regular communications and (703) 305-3592 for After Final Office actions.

Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is 1235.

Office Action Summary		Application No.	Applicant(s)
		09/843,132	MCKEARN ET AL.
		Examiner	Art Unit
		Jerome D Goldberg	1614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE **1 MONTH(S)** FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on 04 November 2002.

2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) 1-140 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☒ Claim(s) 1-140 are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some \* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_

4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: \_\_\_\_\_

U.S. Patent and Trademark Office  
PTO-326 (Rev. 04-01)

Office Action Summary

Part of Paper No. 6

Application/Control Number: 09/843,132

Art Unit: 1614

Goldberg/LR  
January 21, 2003

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A handwritten signature in black ink, appearing to read 'JDG', is written over the printed name.

JEROME D. GOLDBERG  
PRIMARY EXAMINER



Creation date: 11-17-2003  
Indexing Officer: HKEFLAI - HELEN KEFLAI  
Team: OIPEBackFileIndexing  
Dossier: 09843132

Legal Date: 03-24-2003

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4	REM	1

Total number of pages: 4

Remarks:

Order of re-scan issued on .....